

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.,

Plaintiff,

V.

C.A. No. 04-10353-PBS

VOICE SIGNAL TECHNOLOGIES, INC.,
LAURENCE S. GILLICK, ROBERT S.
ROTH, JONATHAN P. YAMRON, and
MANFRED G. GRABHERR,

Defendants.

**VOICE SIGNAL TECHNOLOGIES, INC.'S
MOTION TO COMPEL DEPOSITIONS**

Defendant and counterclaim plaintiff Voice Signal Technologies, Inc. (“Voice Signal”) moves pursuant to Fed. R. Civ. P. 37 and Local Rule 37.1 to compel plaintiff and counterclaim defendant ScanSoft, Inc. (“ScanSoft”) to make Ms. Jeanne McCann and Mr. Fadi Kaake available for depositions.

Voice Signal served a Fed. R. Civ. P. 30(b)(6) deposition notice on ScanSoft on January 31, 2005. ScanSoft subsequently designated Ms. McCann to testify regarding the subject matters set forth in the deposition notice. On February 1, 2005, Voice Signal served a deposition subpoena on Mr. Kaake, a ScanSoft employee. ScanSoft subsequently agreed to make Mr. Kaake available for a deposition.

Contrary to its initial representations, and without any valid justification, ScanSoft now refuses to make Ms. McCann and Mr. Kaake available for depositions.

ScanSoft's position is untenable. Under the Federal Rules of Civil Procedure, Voice Signal is entitled to take the depositions of Mr. Kaake and Ms. McCann.

The grounds for this motion are further set forth in the accompanying memorandum and declaration of Wendy S. Plotkin.

WHEREFORE, Voice Signal requests that the Court enter an order granting this motion and compelling ScanSoft to make Ms. McCann and Mr. Kaake available for depositions within fourteen (14) days.

Respectfully submitted,

Dated: April 1, 2005

VOICE SIGNAL TECHNOLOGIES, INC.

By its attorneys,

/s/ Wendy S. Plotkin

Robert S. Frank, Jr. (BBO No. 177240)
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CERTIFICATE PURSUANT TO LOCAL RULES 7.1 and 37.1

I certify that counsel for Voice Signal conferred telephonically with counsel for ScanSoft on April 1, 2005 in an effort to resolve the issues presented in this motion and that the parties were unable to reach an agreement. I also certify that the provisions of Local Rule 37.1 have been complied with.

/s/ Wendy S. Plotkin

Wendy S. Plotkin